

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE MIDDLE DISTRICT OF ALABAMA  3 NORTHERN DIVISION  4  5 RICARDO MATTHEWS, et al.,)  6 Plaintiffs, )  7 vs. ) CASE NUMBER:  8 TOWN OF AUTAUGAVILLE, ) 2:06-CV-185-MHT  9 et al., )  10 Defendants. )  11  12 DEPOSITION OF WYATT LEE SEGERS, III  13 In accordance with Rule 5(d) of  14 The Alabama Rules of Civil Procedure, as  15 Amended, effective May 15, 1988, I, Cindy  16 Weldon, am hereby delivering to Jim  17 Debardeleben, the original transcript of the  18 oral testimony taken on the 20th day of  19 April, 2007, along with exhibits.  20 Please be advised that this is the  21 same and not retained by the Court Reporter,  22 nor filed with the Court.  23</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that it shall not be necessary for  2 any objections to be made by counsel to any  3 questions, except as to form or leading  4 questions, and that counsel for the parties  5 may make objections and assign grounds at  6 the time of trial, or at the time said  7 deposition is offered in evidence, or prior  8 thereto.  9 IT IS FURTHER STIPULATED AND  10 AGREED that notice of filing of the  11 deposition by the Commissioner is waived.  12  13  14  15  16  17  18  19  20  21  22  23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE MIDDLE DISTRICT OF ALABAMA  3 NORTHERN DIVISION  4  5 RICARDO MATTHEWS, et al.,)  6 Plaintiffs, )  7 vs. ) CASE NUMBER:  8 ) 2:06-CV-185-MHT  9 TOWN OF AUTAUGAVILLE, )  10 et al., )  11 Defendants. )  12  13 STIPULATION  14 IT IS STIPULATED AND AGREED, by  15 and between the parties through their  16 respective counsel, that the deposition of  17 WYATT L. SEGERS, III, may be taken before  18 Cindy Weldon, Certified Shorthand Reporter,  19 Commissioner and Notary Public, at the  20 offices of Nix, Holtsford, 4001 Carmichael  21 Road, Montgomery, Alabama, on April the  22 20th, 2007 at 11:30 a.m.  23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES  2  3 FOR THE PLAINTIFF:  4 MR. JIM DEBARDELABEN  5 DEBARDELABEN, WESTRY  6 1505 MADISON AVENUE  7 MONTGOMERY, ALABAMA 36107  8  9 FOR THE DEFENDANT:  10 MR. RICK HOWARD  11 NIX, HOLTSFORD  12 4001 CARMICHAEL ROAD  13 MONTGOMERY, ALABAMA 36106  14  15 ALSO PRESENT:  16 MR. LEVAN JOHNSON  17  18  19  20  21  22  23</p>

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Page 6	Page 8
<p>1 WYATT LEE SEGERS, III,</p> <p>2 after first being duly sworn, testified</p> <p>3 as follows:</p> <p>4 EXAMINATION BY MR. DEBARDELABEN:</p> <p>5 THE COURT REPORTER: Usual</p> <p>6 stipulations?</p> <p>7 MR. HOWARD: We'll read and sign.</p> <p>8 Q. Mr. Segers, this is a Federal</p> <p>9 deposition. You have the right to read and</p> <p>10 sign or waive reading and signing.</p> <p>11 You might want to talk to your</p> <p>12 lawyer about that and let us know. Would</p> <p>13 you state your name, please, sir.</p> <p>14 A. Wyatt Lee Segers, the third.</p> <p>15 Q. And how are you employed, Mr.</p> <p>16 Segers?</p> <p>17 A. I'm a police officer with the City</p> <p>18 of Wetumpka.</p> <p>19 Q. And how long have you been at the</p> <p>20 City of Wetumpka?</p> <p>21 A. Since February 6th, 2006.</p> <p>22 Q. Okay. Prior to February the 6th,</p> <p>23 2006, where were you employed?</p>	<p>1 of Autaugaville.</p> <p>2 Q. And is that where you applied with</p> <p>3 them?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what does that application</p> <p>6 date show?</p> <p>7 A. February 14th, '04.</p> <p>8 Q. But you think you went to work</p> <p>9 with them in March?</p> <p>10 A. If I remember right, I believe it</p> <p>11 took a while for me to go before the Board,</p> <p>12 which was some of the Town council members</p> <p>13 and the chief and the mayor if I remember</p> <p>14 right.</p> <p>15 Q. When you went to work for the Town</p> <p>16 of Autaugaville, what kind of equipment were</p> <p>17 you issued?</p> <p>18 A. I was issued my uniforms, my duty</p> <p>19 belt, duty gear, all the holsters and</p> <p>20 holders and things and weapon and vest.</p> <p>21 Just everything basically a police officer</p> <p>22 would be issued.</p> <p>23 Q. You were issued a weapon?</p>

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<p style="text-align: right;">Page 9</p> <p>1 A. Yes, sir.</p> <p>2 <b>Q. When did you start carrying that</b></p> <p>3 <b>weapon on duty?</b></p> <p>4 A. I was not allowed to carry it</p> <p>5 until I got certified with it.</p> <p>6 <b>Q. And when were you certified?</b></p> <p>7 A. I don't remember the exact date.</p> <p>8 But it would have been before I -- the first</p> <p>9 time I rode in the patrol car, I got</p> <p>10 certified right before I went to work that</p> <p>11 day.</p> <p>12 <b>Q. I want to show you -- How did you</b></p> <p>13 <b>get certified?</b></p> <p>14 A. With my weapon?</p> <p>15 <b>Q. Yes, sir.</b></p> <p>16 A. It was the firearms instructor at</p> <p>17 the range down there in Autaugaville.</p> <p>18 <b>Q. Kent Gutes (spelled phonetically)?</b></p> <p>19 A. It may have been Jay McMichael.</p> <p>20 <b>Q. Jay McMichael?</b></p> <p>21 A. Or one of them. I can't remember</p> <p>22 exactly which one.</p> <p>23 <b>Q. You talking about the range on</b></p>	<p style="text-align: right;">Page 11</p> <p>1 <b>Q. What did you do to get certified?</b></p> <p>2 A. I shot the firearms course like</p> <p>3 APOSTC requires.</p> <p>4 <b>Q. Did you receive any training from</b></p> <p>5 <b>anybody on what to do if you got in an</b></p> <p>6 <b>adverse situation when somebody pulled a</b></p> <p>7 <b>firearm on you?</b></p> <p>8 A. Just the policies and procedures</p> <p>9 manuals, I read about that, about the use of</p> <p>10 force and just talking with Chief Johnson</p> <p>11 about different things that may arise or,</p> <p>12 you know, riding with him, you know, getting</p> <p>13 on-the-job training and so forth.</p> <p>14 <b>Q. Okay. But you received no</b></p> <p>15 <b>training of what -- how to react in an</b></p> <p>16 <b>adverse situation?</b></p> <p>17 MR. HOWARD: Object to the form.</p> <p>18 THE WITNESS: I'm sorry?</p> <p>19 MR. HOWARD: I objected. You can</p> <p>20 answer if you know.</p> <p>21 A. I don't -- Not like you would get,</p> <p>22 you know, at the Police Academy or</p> <p>23 whatever. But just on-the-job training,</p>
<p style="text-align: right;">Page 10</p> <p>1 <b>County Road 13?</b></p> <p>2 A. It's in the -- I don't remember</p> <p>3 what road it was on. I know it was a dirt</p> <p>4 road in Autaugaville.</p> <p>5 <b>Q. About five miles down a dirt road?</b></p> <p>6 A. It's a long drive.</p> <p>7 <b>Q. On the right?</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. So you don't know if it was Jay</b></p> <p>10 <b>McMichael or Ken Gutes that certified you?</b></p> <p>11 A. I think I got certified on -- It</p> <p>12 seems like I got certified on two different</p> <p>13 occasions, once maybe with Jay McMichael and</p> <p>14 once with the other guy that I can't</p> <p>15 remember his name.</p> <p>16 <b>Q. Black headed guy?</b></p> <p>17 A. I can't remember. All I can tell</p> <p>18 you is I remember he was a former police</p> <p>19 officer in Washington State if that's him,</p> <p>20 if I remember right.</p> <p>21 <b>Q. Okay. What weapon did you get</b></p> <p>22 <b>certified on?</b></p> <p>23 A. It was the Glock model 22.</p>	<p style="text-align: right;">Page 12</p> <p>1 just discussing things and if something</p> <p>2 happened while at work.</p> <p>3 <b>Q. I want to show you Bates stamp</b></p> <p>4 <b>number one forty furnished to me by your</b></p> <p>5 <b>lawyers. Does that appear to be a</b></p> <p>6 <b>resignation from the Montgomery Police</b></p> <p>7 <b>Academy?</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. When did you attend the Police</b></p> <p>10 <b>Academy?</b></p> <p>11 A. It was -- I don't remember the</p> <p>12 exact dates. But it was sometime in March</p> <p>13 of '04.</p> <p>14 <b>Q. For how long?</b></p> <p>15 A. I think I resigned like my first</p> <p>16 week there I believe.</p> <p>17 <b>Q. Why did you resign?</b></p> <p>18 A. I passed the physical agility test</p> <p>19 they required and the push-ups and sit-ups</p> <p>20 and so forth. But they were giving you so</p> <p>21 much homework and everything, you had to</p> <p>22 stay up just all night with no sleep and</p> <p>23 everything and then be at work the first</p>

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<p style="text-align: right;">Page 13</p> <p>1 thing the next morning. So that's why I</p> <p>2 resigned from it.</p> <p>3 <b>Q. Now, what was the purpose in the</b></p> <p>4 <b>first place of going to the Montgomery</b></p> <p>5 <b>Police Academy?</b></p> <p>6 A. It's probably because they don't</p> <p>7 charge agencies for training.</p> <p>8 <b>Q. Okay. Who was paying for this?</b></p> <p>9 A. I'm not really sure. They</p> <p>10 probably -- probably grants to the Police</p> <p>11 Academy. But I'm not sure.</p> <p>12 <b>Q. How did you come to apply to go to</b></p> <p>13 <b>the Montgomery Police Academy?</b></p> <p>14 A. Chief Johnson I believe did the --</p> <p>15 set all that up for me.</p> <p>16 <b>Q. He set it up?</b></p> <p>17 A. Yes, sir.</p> <p>18 <b>Q. And you were working in the</b></p> <p>19 <b>Academy -- I mean going to the Academy and</b></p> <p>20 <b>then working a shift?</b></p> <p>21 A. No, sir. I don't believe so. If</p> <p>22 I remember right, when you're in the</p> <p>23 Academy, basically you're just in the</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Yes, sir.</p> <p>2 <b>Q. Did you stay at the Academy or</b></p> <p>3 <b>were you -- you'd go to your home at night?</b></p> <p>4 A. In Montgomery, you go back to your</p> <p>5 home.</p> <p>6 <b>Q. So they gave you homework to do?</b></p> <p>7 A. Yes, sir.</p> <p>8 <b>Q. And they gave you class work?</b></p> <p>9 A. Yes, sir.</p> <p>10 <b>Q. And training during the daytime?</b></p> <p>11 A. Yes, sir.</p> <p>12 <b>Q. What time did you start in the</b></p> <p>13 <b>morning?</b></p> <p>14 A. If I remember right, we were</p> <p>15 supposed to start at eight o'clock.</p> <p>16 Although they told us to be there at 8:00.</p> <p>17 But one day I got there a few minutes before</p> <p>18 8:00 and they had started it early. So I</p> <p>19 guess it wasn't any really set time.</p> <p>20 <b>Q. Were you getting paid by the Town</b></p> <p>21 <b>of Autaugaville while you were going to the</b></p> <p>22 <b>Police Academy?</b></p> <p>23 A. Yes, sir.</p>
<p style="text-align: right;">Page 14</p> <p>1 Academy. You're not working a job, also.</p> <p>2 You don't have time.</p> <p>3 <b>Q. Okay. So you went a week at the</b></p> <p>4 <b>Academy?</b></p> <p>5 A. Yes, sir.</p> <p>6 <b>Q. And then you decided not to go any</b></p> <p>7 <b>more?</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. Did you discuss that with Chief</b></p> <p>10 <b>Johnson before you resigned?</b></p> <p>11 A. Yes, sir.</p> <p>12 <b>Q. And tell me about that</b></p> <p>13 <b>conversation.</b></p> <p>14 A. I told one of the instructors</p> <p>15 there at the Academy and he told me to call</p> <p>16 Chief Johnson. And Chief Johnson just said</p> <p>17 something to the effect, well, are you sure</p> <p>18 you want to do that.</p> <p>19 You know they may let you stay in</p> <p>20 if you change your mind. But I didn't</p> <p>21 change my mind.</p> <p>22 <b>Q. So you're telling me that the</b></p> <p>23 <b>Academy gave you homework?</b></p>	<p style="text-align: right;">Page 16</p> <p>1 <b>Q. Did you attend any more -- After</b></p> <p>2 <b>you resigned that training effective March</b></p> <p>3 <b>31st, it says, did you attend any more</b></p> <p>4 <b>training?</b></p> <p>5 A. I went to the Tuscaloosa Police</p> <p>6 Academy.</p> <p>7 <b>Q. And when did you go to the</b></p> <p>8 <b>Tuscaloosa Police Academy?</b></p> <p>9 A. If I remember right, it started</p> <p>10 like the end of April. And then I graduated</p> <p>11 on July -- around July 15th, '04.</p> <p>12 <b>Q. Between the time of resigning the</b></p> <p>13 <b>Police Academy in Montgomery and going to</b></p> <p>14 <b>the Tuscaloosa Police Academy, what did you</b></p> <p>15 <b>do?</b></p> <p>16 A. I talked to Chief Johnson and I</p> <p>17 went back to work for Autaugaville while I</p> <p>18 was waiting on that academy to start up in</p> <p>19 Tuscaloosa.</p> <p>20 <b>Q. Okay. And how long is the</b></p> <p>21 <b>Academy?</b></p> <p>22 A. The State requires twelve weeks.</p> <p>23 <b>Q. Okay. I want to show you what's</b></p>

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<p style="text-align: right;">Page 17</p> <p>1 been Bates stamped as one seventy-four. Is 2 that your diploma from APOSTC where you 3 graduated from the Academy? 4 A. Yes, sir. 5 Q. And you were certified July the 6 15th, 2004? 7 A. Yes, sir. 8 Q. When you left the Montgomery 9 Police Academy and went to work for the Town 10 of Autaugaville, were you patrolling in the 11 vehicle by yourself? 12 A. Yes, sir. 13 Q. What was -- 14 A. That was after Chief Johnson -- 15 after I had ridden with him from the job 16 training and -- well, that was it. 17 Q. Okay. Tell me about riding with 18 Chief Johnson with the on-the-job training. 19 When did you ride with him with on-the-job 20 training? 21 A. When did I do it? 22 Q. Yes, sir. 23 A. We would go out together. We</p>	<p style="text-align: right;">Page 19</p> <p>1 A. No, sir. 2 Q. What was the purpose of using it? 3 A. Just to determine people's speed, 4 to see if they are speeding. 5 Q. After you used it and clicked it 6 on and got the speed, did you recalibrate 7 it? 8 A. My understanding is, it's not a 9 law enforcement officer's job to 10 recalibrate. They have some companies -- 11 like in Wetumpka where I'm working now, 12 there's a company that comes in that does 13 that periodically. 14 Q. You don't have a tuning fork to 15 recalibrate the -- 16 A. I've got a tuning fork where I can 17 check the speed. And we had them in 18 Autaugaville, also. 19 Q. Did you do that after every time 20 you turned it on? 21 A. I would do it when I got in the 22 patrol car. Every day when I came to work 23 on the shift, I would check that with the</p>
<p style="text-align: right;">Page 18</p> <p>1 would ride in his patrol vehicle and he 2 showed me, you know, how to use the 3 equipment and as far as traffic stops and so 4 forth and how to write tickets and how to 5 approach people for safety reasons on a 6 traffic stop and so forth. 7 Q. What equipment did he show you how 8 to use? 9 A. Of course, he showed me how to use 10 radar and how to use the radio, the lights 11 on the patrol car. I never had to use OC 12 spray on anyone or anything like that. 13 I don't know if I even had to use 14 my handcuffs before. But he basically just 15 showed me how to use the equipment. 16 Q. When he showed you how to do the 17 radar, did you get a certification? 18 A. No, sir. 19 Q. Did you use the radar in your 20 traffic patrolling? 21 A. I did. 22 Q. Did you ever write any tickets 23 from it?</p>	<p style="text-align: right;">Page 20</p> <p>1 tuning fork. 2 Q. Okay. You didn't check it after 3 every time you turned it on and used it? 4 A. The only time I have every done it 5 is just when I've come to work on the 6 shift. And I check it when I first cut it 7 on when I get in the patrol car, just to 8 make sure it's accurate. And I don't check 9 it again until I come to work the next time. 10 Q. What was your work hours in 11 Autaugaville? 12 A. I was working on day shift like 13 8:00 a.m. to 4:00 p.m., if I remember right. 14 Q. Okay. 15 A. Five days a week. 16 Q. What days of the week were you 17 working? 18 A. Seems like I may have been working 19 on the weekend, maybe one day like on a 20 Saturday. The other four days were during 21 the week all in a row. But my schedule -- 22 You know, Chief Johnson would change my 23 schedule periodically to work different</p>

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<p style="text-align: right;">Page 21</p> <p>1 days.</p> <p>2 <b>Q. On the weekends when you were</b></p> <p>3 <b>working, who was there working with you?</b></p> <p>4 A. I was by myself if I remember</p> <p>5 right.</p> <p>6 <b>Q. Was there anybody else down in the</b></p> <p>7 <b>police department?</b></p> <p>8 A. No, sir.</p> <p>9 <b>Q. If you needed help, what did you</b></p> <p>10 <b>do?</b></p> <p>11 A. I had a radio. I could call.</p> <p>12 There were some Autaugaville County deputies</p> <p>13 that could come back you up if you needed</p> <p>14 anything. Some of them lived in the town or</p> <p>15 real close by. Then also I had -- Chief</p> <p>16 Johnson had his radio on. I could contact</p> <p>17 him by radio or phone.</p> <p>18 <b>Q. Were you ever supervised by Kevin</b></p> <p>19 <b>McNabb, Deputy McNabb?</b></p> <p>20 A. I wasn't supervised by him. But</p> <p>21 he did -- I know one time there was an</p> <p>22 accident and he came to help me with that</p> <p>23 accident.</p>	<p style="text-align: right;">Page 23</p> <p>1 <b>accident?</b></p> <p>2 A. No, sir.</p> <p>3 <b>Q. Why not?</b></p> <p>4 A. I was new and I didn't think about</p> <p>5 it is probably why I didn't do it. No proof</p> <p>6 of insurance and driving suspended.</p> <p>7 <b>Q. At the time you wrote those two</b></p> <p>8 <b>tickets, were you a certified law</b></p> <p>9 <b>enforcement officer?</b></p> <p>10 A. If I remember right, I was not.</p> <p>11 <b>Q. Let's see. We're looking at Bates</b></p> <p>12 <b>stamp seven eighteen, seven nineteen and</b></p> <p>13 <b>seven twenty-one. Is that what you have</b></p> <p>14 <b>there? I think I left out seven twenty.</b></p> <p>15 A. I see what you're talking about</p> <p>16 now. That's what I have.</p> <p>17 <b>Q. When did you issue these tickets?</b></p> <p>18 <b>And we're talking --</b></p> <p>19 A. Looks like April 18th, '04. That</p> <p>20 sounds about right.</p> <p>21 <b>Q. Who did you issue them to?</b></p> <p>22 A. Ricardo Matthews.</p> <p>23 <b>Q. Now, I noticed back here on Bates</b></p>
<p style="text-align: right;">Page 22</p> <p>1 <b>Q. Where was Chief Johnson?</b></p> <p>2 A. He was off that day.</p> <p>3 <b>Q. He was off that day?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. So he wasn't available to</b></p> <p>6 <b>supervise you?</b></p> <p>7 A. No, sir. But I contacted him and</p> <p>8 talked to him on the radio or phone one. I</p> <p>9 think it was radio.</p> <p>10 <b>Q. And how soon after the accident or</b></p> <p>11 <b>how long after the accident did Deputy</b></p> <p>12 <b>McNabb come up?</b></p> <p>13 A. He got there very quickly.</p> <p>14 <b>Q. But you weren't working under his</b></p> <p>15 <b>supervision?</b></p> <p>16 A. No, sir.</p> <p>17 <b>Q. Okay. And to your knowledge, he</b></p> <p>18 <b>wasn't supposed to be supervising you?</b></p> <p>19 A. No, sir.</p> <p>20 <b>Q. Did you write any tickets at that</b></p> <p>21 <b>accident?</b></p> <p>22 A. Yes, sir. I wrote two.</p> <p>23 <b>Q. Did you serve them at the</b></p>	<p style="text-align: right;">Page 24</p> <p>1 stamp seven eighteen, the tickets on seven</p> <p>2 eighteen and seven nineteen Bates stamp, the</p> <p>3 ticket was issued to subject per Chief</p> <p>4 Johnson after officer left the accident</p> <p>5 scene?</p> <p>6 A. Yes, sir.</p> <p>7 <b>Q. Now, you just told me prior to</b></p> <p>8 <b>this that you wrote him up before. Now, did</b></p> <p>9 <b>you write these tickets before he left the</b></p> <p>10 <b>accident scene?</b></p> <p>11 A. It was after.</p> <p>12 <b>Q. After.</b></p> <p>13 A. Yes, sir.</p> <p>14 MR. HOWARD: Wait a minute, Jim.</p> <p>15 MR. DEBARDELABEN: We're talking</p> <p>16 about Bates stamp seven eighteen and seven</p> <p>17 nineteen.</p> <p>18 MR. HOWARD: Right. I don't think</p> <p>19 those Bates stamp numbers have the back of</p> <p>20 the ticket. So what I would like to do is</p> <p>21 go make copies of the back of the ticket.</p> <p>22 MR. DEBARDELABEN: Sure.</p> <p>23 MR. HOWARD: And go ahead and put</p>

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<p style="text-align: right;">Page 25</p> <p>1 them -- Here's what I've got on those 2 tickets. The other copies I might have 3 made, they're a little bit clearer and they 4 have a second page. 5 MR. DEBARDELABEN: I would 6 appreciate that. 7 MR. HOWARD: I just remembered I 8 had that. 9 MR. DEBARDELABEN: And I'll just 10 wait for you to make copies. 11 MR. HOWARD: Okay. And I think 12 this also has the officer's notes, seven 13 nineteen and seven twenty-one. So we'll 14 keep that part and add this. 15 MR. DEBARDELABEN: That's great. 16 (Whereupon, a short recess was 17 taken.) 18 Q. I want you to look at Bates stamp 19 seven twenty. 20 A. Yes, sir. 21 Q. That ticket. On my ticket, 22 there's some writing up at the top on the 23 first page?</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Right. I dropped this one in 2 court. I was giving him a break. I dropped 3 the driving suspended and I was just going 4 to -- I did not drop the no proof of 5 insurance. He was going to have to pay it. 6 Q. Okay. Now, let's look at the -- 7 turn over to seven twenty-one. It says this 8 ticket was issued to subject per Chief 9 Johnson after officer left the accident 10 scene. 11 Found out at a later date I was 12 not supposed to write this ticket at the 13 accident scene. What does that mean? 14 A. I believe it was Deputy McNabb 15 told me that I should have written the 16 ticket there and I should not have written 17 it later. 18 But I found out later that wasn't 19 true. I understand you've got up to a year 20 to write a UTC just like on a misdemeanor or 21 arrest. 22 Q. How did you find that out? 23 A. That's what the magistrate in</p>
<p style="text-align: right;">Page 26</p> <p>1 A. Right. 2 Q. What does that say? 3 A. This was -- I made this copy off 4 of the copies of the tickets that I kept for 5 myself. And I went to court when Ricardo 6 Matthews was there. And I had made a note 7 up here that he had still not paid it at the 8 time that I went to court. 9 I checked with the magistrate 10 there I believe and they told me they hadn't 11 paid yet. So I went on in to court. 12 Q. And what does it say over in the 13 right-hand corner? It says -- It looks like 14 9-7 something. I can't read the date. 9 15 dash 7 dash -- 16 A. Oh, yes. I put the date. Because 17 I had asked chief if I needed to go and he 18 said, well, don't go to court unless you get 19 a subpoena. I'd get a subpoena, you know, 20 if he hadn't paid it yet. If he had paid 21 it, I wouldn't have gotten one. 22 Q. Okay. And I think up there beside 23 Autauga County it says drop this ticket?</p>	<p style="text-align: right;">Page 28</p> <p>1 Wetumpka where I work now has told me. 2 Q. Okay. But when did you write the 3 note found out at a later date I was not 4 supposed to write this ticket at accident 5 scene? 6 A. I wrote it at some point after I 7 wrote that ticket not long after I wrote 8 it. But it wouldn't have been the same 9 day. Probably a few days later. 10 Q. All right. Whose name was this 11 car registered in? Can you tell from the 12 ticket? 13 A. Looks like I checked the driver, 14 Ricardo. 15 Q. But it had no tag; right? 16 A. Right. 17 Q. Did you find out why it didn't 18 have no tag? 19 A. I don't -- I don't recall now. I 20 know that if they don't have a tag, you can 21 run them by the VIN number on the vehicle. 22 Q. How long after this ticket -- 23 after the accident did you issue the ticket?</p>

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<p style="text-align: right;">Page 29</p> <p>1 A. I don't remember now. It probably 2 was within a few days, though. It could 3 have even been the next day. If I remember 4 right, I -- I can't remember if I went to 5 his home or if I went to where he works to 6 issue them. I can't remember now.</p> <p>7 <b>Q. Okay.</b></p> <p>8 A. It was probably one of the two.</p> <p>9 <b>Q. When did you write the no proof of</b> 10 <b>insurance ticket?</b></p> <p>11 A. I would have written them at the 12 same time. That driving suspended and the 13 no proof of insurance, I wrote them at the 14 same time if I remember right.</p> <p>15 <b>Q. After you left the accident scene?</b></p> <p>16 A. Yes, sir.</p> <p>17 <b>Q. Okay. Are these the only tickets</b> 18 <b>you wrote while you were not a certified</b> 19 <b>police officer?</b></p> <p>20 A. Yes, sir.</p> <p>21 <b>Q. What did you do the other time you</b> 22 <b>were on patrol?</b></p> <p>23 A. I stopped -- I stopped some</p>	<p style="text-align: right;">Page 31</p> <p>1 <b>aware of that one?</b></p> <p>2 A. I probably was not aware of it at 3 the time. I don't think I was.</p> <p>4 <b>Q. And you depended on Chief Johnson</b> 5 <b>to tell you what to do?</b></p> <p>6 A. Yes, sir.</p> <p>7 <b>Q. I might have asked you this. Why</b> 8 <b>didn't you give those tickets to Mr.</b> 9 <b>Matthews at the scene?</b></p> <p>10 A. I'm sure the reason I didn't was 11 because I was new and it was the first 12 accident that I had been on where you had an 13 injury. And there was just a lot of chaos 14 and confusion.</p> <p>15 And so, you know, I was trying to 16 get the accident worked and trying to make 17 sure that the girl that was -- that had the 18 -- I think she had a broken leg that was 19 riding the motorcycle that was involved -- 20 that she got paramedics there to take care 21 of her and so forth.</p> <p>22 <b>Q. Were you aware that Mr. Matthews</b> 23 <b>had just bought that car that day?</b></p>
<p style="text-align: right;">Page 30</p> <p>1 people. But the times I stopped them, I 2 gave them a written warning instead of a 3 UTC.</p> <p>4 <b>Q. Were you -- When you went to</b> 5 <b>training, were you aware that -- drop that</b> 6 <b>question. Were you ever aware that to be</b> 7 <b>able to patrol and enforce the law and</b> 8 <b>arrest people, you were supposed to be a</b> 9 <b>certified officer?</b></p> <p>10 A. No, sir.</p> <p>11 MR. HOWARD: Object to form.</p> <p>12 <b>Q. Who told you to go out and start</b> 13 <b>patrolling?</b></p> <p>14 A. I'm sure it was Chief Johnson 15 because he was the one that I was working 16 directly for that made the schedule out and 17 so forth.</p> <p>18 <b>Q. Did you depend on Chief Johnson to</b> 19 <b>make sure you complied with what the rules</b> 20 <b>and regulations were of the law?</b></p> <p>21 A. Yes, sir.</p> <p>22 <b>Q. Were you aware of Rule 650-X-2.01,</b> 23 <b>Number 2, prior to -- or have you ever been</b></p>	<p style="text-align: right;">Page 32</p> <p>1 A. No, sir.</p> <p>2 <b>Q. One thing I don't understand. I</b> 3 <b>want you to look at the tickets without the</b> 4 <b>Bates stamps.</b></p> <p>5 A. Yes, sir.</p> <p>6 <b>Q. And I want you to look at tickets</b> 7 <b>-- we'll go by the number first. Look at</b> 8 <b>6347085. And I'll give it to you.</b></p> <p>9 A. Okay.</p> <p>10 <b>Q. And I want you to compare that</b> 11 <b>with this ticket here, 085, with the one</b> 12 <b>with the Bates stamp on it. And I think --</b> 13 <b>You see those two tickets?</b></p> <p>14 A. Yes, sir.</p> <p>15 <b>Q. And I noticed where you signed it</b> 16 <b>it says verified before me -- verified and</b> 17 <b>acknowledged before me this date and it's</b> 18 <b>got 4-19-04; correct?</b></p> <p>19 A. Yes, sir.</p> <p>20 <b>Q. And it's got Clara Mims on there;</b> 21 <b>is that correct? That you verified --</b></p> <p>22 A. Right. Right.</p> <p>23 <b>Q. Now, as I look at the one with the</b></p>

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<p style="text-align: right;">Page 33</p> <p>1 Bates stamp mark on it, where is Ms. Mim's 2 signature? 3 A. It's not on there. 4 Q. It looks like down at the bottom 5 -- and you can't make it out on this -- 6 that Mr. Matthews' signature is down there? 7 A. Right. 8 Q. Did you deliver this ticket to Mr. 9 Matthews before it was verified before Ms. 10 Mims? 11 A. I believe I did. But I -- I think 12 I did, but I'm not positive. But I would 13 have thought I did. 14 Q. Let's look at the next one which 15 would be ticket number 6347086. 16 MR. HOWARD: Jim, let's go ahead 17 and mark this -- 18 MR. DEBARDELABEN: Yes, let's go 19 ahead and mark these. 20 MR. HOWARD: -- as Plaintiff's 21 Exhibit 1. 22 MR. DEBARDELABEN: Yes. 23 (Whereupon, Plaintiff's Exhibit</p>	<p style="text-align: right;">Page 35</p> <p>1 does it? 2 A. No, sir. 3 Q. So he was delivered a copy of this 4 complaint without it being certified, wasn't 5 he, apparently? 6 A. I'm sure he was because you have 7 to go to the magistrate at a later time -- 8 Q. Okay. 9 A. -- to get them to sign it. And 10 you swear to it. 11 Q. Is it -- Let's mark that as 12 Plaintiff's Exhibit No. 2. 13 (Whereupon, Plaintiff's Exhibit 14 No. 2 was marked for identification and 15 attached to the original transcript.) 16 MR. DEBARDELABEN: Rick, to make 17 this so it kind of flows, let's put this one 18 together with the two tickets. 19 So Plaintiff's Exhibit 1 will be 20 the signed and unsigned ticket and 21 Plaintiff's Exhibit 2 will be the signed and 22 unsigned ticket. You might have a better 23 copy than me and I'll be happy to</p>
<p style="text-align: right;">Page 34</p> <p>1 No. 1 was marked for identification and 2 attached to the original transcript.) 3 Q. Is Ms. Mims' signature on that 4 ticket? 5 A. Yes, sir. 6 Q. Now, from what I have as Bates 7 stamp seven eighteen and seven nineteen -- 8 isn't it 086? 9 MR. HOWARD: Yes, you are correct. 10 Q. It appears on the copy I got -- it 11 doesn't come through real clean -- that Mr. 12 Matthews again signed that ticket -- and 13 this is the Bates stamped one -- prior to -- 14 and the copy he was delivered was not 15 certified. Is that what you've got? 16 A. Wait now. Say that again. 17 Q. Ms. Mims' certified the ticket -- 18 A. Right. 19 Q. -- to you on the 19th? 20 A. Right. 21 Q. But it appears the copy -- the one 22 copy that's got the defendant's signature on 23 it does not have the complaint certified,</p>	<p style="text-align: right;">Page 36</p> <p>1 substitute. 2 MR. HOWARD: I'll tell you what we 3 can do, is put -- let me go make a copy of 4 the Bates stamped tickets. 5 MR. DEBARDELABEN: Yes. I have 6 the Bates stamp right here. 7 MR. HOWARD: Well, if you need an 8 extra copy, I can go do it. We can put them 9 as copies of like one 1-A and 2-A. 10 MR. DEBARDELABEN: Yes. I just 11 want to keep that together. 12 (Whereupon, Plaintiff's Exhibits 13 1-A and 2-A were marked for identification 14 and attached to the original transcript.) 15 MR. DEBARDELABEN: Let's be sure 16 we've got them right. 85 will be 1-A and 86 17 will be 2-A. 18 Q. What do you do with the copy of 19 the ticket that says officer's copy? 20 A. The two tickets that I wrote in 21 Autaugaville, I kept those two tickets. 22 Q. Do you have them with you now? 23 A. I don't have them with me now. I</p>

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1 have them at home.  
 2 **Q. You have them at home?**  
 3 A. Yes.  
 4 **Q. Do you keep tickets in Wetumpka**  
 5 **that says officer's copy?**  
 6 A. No, sir.  
 7 **Q. What do you do with them in**  
 8 **Wetumpka?**  
 9 A. They're all turned in together.  
 10 **Q. Who are they turned in to?**  
 11 A. We have a box, a metal box that's  
 12 thick metal with a pad lock on it. And one  
 13 of our two magistrates -- Kenny Harris, he's  
 14 the only one that has a key to it.  
 15 We drop all the paperwork and  
 16 UTC's in the box and he comes over once a  
 17 day during the week when he works and he  
 18 picks all the ones up that were written  
 19 since he was there last.  
 20 **Q. So Mr. Harris collects them up?**  
 21 A. Yes, sir.  
 22 **Q. Was that the procedure when you**  
 23 **got to Wetumpka?**

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1 A. Yes, sir.  
 2 **Q. What about at when you worked at**  
 3 **AUM, did you write tickets?**  
 4 A. Yes, sir.  
 5 **Q. What did do you with the officer's**  
 6 **copy at AUM?**  
 7 A. We were allowed to keep them.  
 8 **Q. You were allowed to keep them?**  
 9 A. Yes, sir.  
 10 **Q. That's the only two places you**  
 11 **have worked besides Autaugaville, isn't it?**  
 12 A. Yes, sir.  
 13 **Q. But Wetumpka doesn't allow that?**  
 14 A. No, sir.  
 15 **Q. Do you know why?**  
 16 A. No, sir.  
 17 **Q. Okay.**  
 18 MR. DEBARDELABEN: I have nothing  
 19 else.  
 20 MR. HOWARD: I don't have any.  
 21  
 22  
 23

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1 CERTIFICATE  
 2  
 3 STATE OF ALABAMA )  
 4 MONTGOMERY COUNTY)  
 5

6 I hereby certify that the above  
 7 and foregoing deposition was taken down by  
 8 me in stenotype, and the questions and  
 9 answers thereto were transcribed by means of  
 10 computer-aided transcription, and that the  
 11 foregoing represents a true and correct  
 12 transcript of the testimony given by said  
 13 witness upon said hearing.

14 I further certify that I am  
 15 neither of counsel, nor of kin to the  
 16 parties to the action, nor am I in any wise  
 17 interested in the result of said cause.  
 18  
 19

20 -----  
 21 CINDY WELDON  
 22  
 23

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